



Planning Commission Meeting Minutes

DATE:	August 26, 2014
APPROVED BY:	Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

July 29, 2014

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:33 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Siegel, Welch (alt. for Aufuldish), Zondag, and Ms. Hausch and Ms. Pesec. Legal Counsel present was Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present were Messrs. Radachy, Stipkovich and Ms. Truesdell.

Mr. Zondag introduced Tom Stipkovich, a Senior at The Ohio State University, as the Intern for the summer. Mr. Radachy explained that he was working on the Retail Trade Study for Lake County, comprehensive plans for Fairport Harbor and Painesville Township, and other tasks as assigned.

MINUTES

Mr. Adams moved and Ms. Hausch seconded the motion to approve the June 24, 2014 minutes.

Seven voted "Aye".
One abstained.

FINANCIAL REPORTS

Mr. Morse moved to accept the June financial report as submitted and Mr. Siegel seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There were no public comments.

Mr. Siegel arrived at 5:34 p.m.

LEGAL REPORT

Mr. Josh Horacek, Assistant Prosecutor, said there have been discussions with Mr. Hamilton of Kimball Estates and they are committed to fixing the problem. They want to present their plan to the County Engineer's office in the next few days.

Mr. Brotzman arrived at 5:38 p.m.

DIRECTOR'S REPORT

Intern

Mr. Radachy said that Mr. Tom Stipkovich started July 1st and will be working until late August when he returns to The Ohio State University.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Stoneridge Estates, Phase 1A Variance to Article 1, Section 4(B)

Mr. Radachy said this is a variance request for preliminary grading prior to the submission of preliminary plats. The Developer wants to clear the site for proposed Jo Ann Drive and proposed Keystone Road. There has been a cleared path through the development in the past to access a couple of gas wells on the site. Concord does have objections to equipment on Keystone and Jo Ann Drives and they request a construction drive off Girdled Road.

Mr. Radachy said staff is recommending denial of the Variance for the following reasons:

1. The Improvement Plans are just starting their approval process. There could be changes that could require all the grading that was performed to be undone during construction after the Improvement Plans have been accepted.
2. The Developer has not submitted any erosion control plans for subdivision construction or for minor grading to the Soil and Water Conservation District Conservation District Conservation District.
3. The NOACA 208 boundary correction does not create an extraordinary and unnecessary hardship resulting from strict compliance with the regulations, due to exceptional topographic or other physical conditions.

Mr. Adams asked what the impact of this situation is on the development and when it can be resolved.

Mr. Radachy said the situation with NOACA forced the Developer to divide the Plat into two phases, 1A and 1B. The variance has no affect on that issue. The finalization of the District is supposed to be completed by October 10th but that depends on all parties complying in a timely manner.

REVIEW AGENCIES COMMENTS:

1. To date, the Lake County Soil and Water Conservation District Conservation District Conservation District has not received an application and plan from the applicant. Lake SWCD requires that an application and review fee be submitted; along with a plan showing clearly defined limits of disturbance of all grading work and associated erosion and sediment control practices. The subsequent plan can either be the full SWPPP that will be used for the subdivision, or a separate Grading and Clearing plan. Both plans must show all locations of the necessary ESC controls, limits of disturbance, details and notes, and any other pertinent information regarding the grading work, i.e. calculations for sediment basins/traps. *LC Soil & Water Conservation District*
2. Please be prepared to show efforts towards compliance to the U.S. Fish and Wildlife regulations concerning the Indiana Bat habitat zones present in our area. *LC Soil & Water Conservation District*
3. Please show all correspondence and/or proper approval(s) for all oil and gas activity proposed to occur on site. *LC Soil & Water Conservation District*
4. The Township Trustees support the Sanitary Engineer's Facility Planning Area Transfer Request in the southeast quadrant of the Township from the Lake County Heatherstone Facility to the Lake County Gary Kron Mentor Facility, as shown on the planning area map. *Concord Twp. Trustees*

5. The Trustees will defer to the Lake County Planning Commission's consideration of this request for a variance to allow grading to start. *Concord Township Trustees*
6. Variance is for grading only. *LC Engineer*
7. Haul roads have not been indicated in the improvement plans.
8. Request an easement be authorized off Girdled Road to prevent any road construction traffic from traveling on Keystone Drive, Far Hills Drive, Nancy Ann Drive, Cali Drive, Sarah Lee Drive and Jo Ann Drive. *Concord Township Service Department*
9. If above easement is not authorized for road construction traffic a surety bond in the amount of \$250,000 will be required for maintenance and/or repair of the following roads damaged due to hauling materials in and out of the Stoneridge Estates Phase 1 project site for the duration of road construction on any of the following roads, Keystone Drive, Far Hills Drive, Nancy Ann Drive, Cali Drive, Sarah Lee Drive and Jo Ann Drive. *Concord Township Service Department*
10. Please keep our department notified of any activity commencement. *Concord Township Service Department*

EFFECT ON PUBLIC INTEREST: None

EFFECT ON IMPAIRING INTENT AND PURPOSE OF REGULATIONS: None. This is a procedure issue.

EFFECT ON DESIRABLE DEVELOPMENT OF NEIGHBORHOOD AND COMMUNITY: None, if the developer follows regulations.

STAFF COMMENTS: Per an email from the County Engineer Staff, Improvement Plans have not been approved by the County Engineer. The Improvement Plans were submitted to the Lake County Planning Commission in May and June, 2014. There may be changes to the plans before the plans are approved by the Lake County Engineer and accepted by the Lake County Planning Commission and Lake County Commissioners.

Mr. Dave Novak of Barrington Consulting Group addressed the Commission. He said that last month the real hardship was that because of the 208 snafu, there has been a delay in the development for a few months. In response to staff's comments, the improvement plans are very close to being approved. All departments have seen the plans. The Soil and Erosion plan was submitted as part of Stoneridge Phase 1 and the same plans were submitted a month ago as part of Phase 1A. He understands that all has been approved and only their signature is needed. They had been waiting for the PTI's to come back from the EPA for water and sanitary and they just need signatures. They are waiting for George Hadden to finish his review of the plans and to make sure that the retention basin and emergency overflow design

met all criteria for the Subdivision Regulations. He suggested the Commission could stipulate that the completion of the Soil and Water Conservation District's application and fee be met as a criteria for approving the variance. The NOACA boundary discrepancy has created a huge hardship for them.

Mr. Siegel moved and Mr. Morse seconded the motion to approve the variance request for Stoneridge Estates, Phase 1A Variance to Article 1, Section 4(B) in Concord Township.

Mr. Siegel said he is really concerned about the erosion control and flow of water. He thought this should be done while the weather conditions are dry and before the winter sets in.

Mr. Novak said the trees are cleared so grubbing needs to be done. The real difference between Phase 1 and 1A is that they consolidated the lots into blocks and they fall into the wrong district based on the NOACA map. All the storm sewers are designed for the build out. He just has to remove a section of sanitary. The only reviewing agency that has not approved is the County Engineer. Mr. Novak has responded to all their comments and has made all the changes that were suggested. Mr. Hadden wanted to make sure the pond was not an issue.

Mr. Radachy concurred, saying that the signatures come in a certain sequence and then it will take three to four weeks for those plans to be accepted by the County Commissioners.

Mr. Novak said they have to get it to grade and install all the erosion control devices.

Mr. Zondag said if you are going to put in erosion controls, does Soil and Water Conservation District have to review the plan?

Mr. Novak said they have reviewed the plan and they have met with them. They have to file the application and pay the fees when they actually sign off on the plan.

Mr. Siegel said that everything the Developers are doing right now is at their risk and they can do a better job when it is dry.

Mr. Novak said if the Commission can add a stipulation that we obtain an approval from the Soil and Water Conservation District for an Erosion Control Plan for the Subdivision. This could be part of the document they have now or a separate plan.

Ms. Pesec asked if we were legally allowed to grant a variance based on extraordinary or unnecessary hardship based on exceptional topographical or physical conditions.

Mr. Novak said that the hardship was created by the Lake County Utilities Department when, ten years ago, they did not get the 208 Plan amended. There are subdivisions after subdivisions in violation of the 201 Plan.

Ms. Pesec said that they could have proceeded with a number of the agencies so they would not have to come back.

Mr. Novak said he agreed with her and said he could not respond to comments on such a short notice because he does not get comments until the day of the meeting. Sometimes there are 30 stipulations.

Ms. Pesec said that was a fair comment.

Mr. Zondag asked Mr. Horacek if we are setting precedence if we approve this.

Mr. Horacek said he thought the standard would remain the same. The consideration of variances granted in the past should not be binding ourselves for the future but it is something that could possibly be considered by this Board in the future.

Mr. Siegel stressed that the weather could be very rainy and wet in the fall.

Mr. Zondag said that it is not as much an issue because the ground is wet even now.

Ms. Pesec said since Mr. Radachy said it would be three to four weeks would that be November?

Mr. Zondag asked Mr. Novak how long ago had he submitted all the plans to the Soil and Water Conservation District?

Mr. Novak thought he recalled that the original set of plans were submitted in May to Soil and Water Conservation District and they amended the plan based on their recommendations. They submitted 15 sets of plans to the Planning Commission, one of which goes to Soil and Water Conservation District. He understood that the plan was acceptable to them. He just got the PTI for the water last week. If all the governmental agencies approve, the earliest would be October 10th. And even then there are approvals that must come from NOACA, EPA and Columbus.

Ms. Pesec asked why it would matter if they did preliminary grading right now.

Mr. Novak said they could get everything to grade and if they had to they could always pave one section and leave the other section unpaved.

Ms. Pesec asked if he could do that starting in three or four weeks.

Mr. Radachy said in three or four weeks they would be able to do the whole development as shown to the Commission last month without having approval from NOACA or EPA.

Mr. Novak said they could wait a month but if they go in tomorrow and get the site prepared, they could start installing all the sanitary sewers, storms, and detention basin to be ready by October 10th. He does not want to have to bore under the roads for the sanitary laterals for the three lots on the other side of the street.

Ms. Pesec asked why Mr. Radachy did not recommend approval.

Mr. Radachy said because of the delay in the improvement plans with the boundary line that was never corrected by NOACA did not constitute a physical condition based on topography and did not warrant a variance from the strict compliance of the rules. Mr. Radachy definitely understood his point. The approval process is ongoing. Soil and Water Conservation District has seen this twice. They may have wanted their fee first before the approval. The other agencies may not be ready to sign off yet, but are in talks with the Developer trying to correct issues.

Ms. Pesec asked if that meant the approval process would be fairly quick once the applications went through.

Mr. Radachy said you never know. The comment sheets always ask that they return their comments the Thursday before the Planning Commission meeting. Sometimes he does not receive them until Monday.

Mr. Siegel wanted to amend his motion to add the stipulation that the Developer applies, pays the fee and gets approval from Soil and Water Conservation District.

Mr. Zondag asked about the construction road.

Mr. Radachy said we can stipulate that an easement be established for a construction drive to keep traffic off neighboring residential streets.

Mr. Siegel wanted to amend his motion to stipulate that an easement be established for a construction drive to keep traffic off neighboring residential streets.

Mr. Zondag asked for agreement or discussion from the Board about adding the stipulations to the motion. There was no discussion.

Mr. Schaedlich said that stipulation number one would be that the developer applies, pays the fee and gets approval from Soil and Water Conservation District Conservation District. The other stipulation would be to obtain an easement to add a construction drive to keep traffic off residential streets.

There was no further discussion.

Eight voted "Aye".
One voted "Nay".
Motion passed.

Subdivision Activity Report

Mr. Radachy said Summerwood Phase Four Plats are getting recorded. They filed two additional lots, sublots 119 and 120 on July 9, 2014.

He has met with the Soil and Water Conservation District about Cambden Creek Phase Two to discuss a local riparian easement with the Homeowner's Association which is enforcing an easement over a stream.

He had one lot split and two lot line adjustments over the last month. We are 10 lot splits ahead of last year at this time.

LAND USE AND ZONING COMMITTEE

There were no cases submitted to the Land Use and Zoning Committee this month. Four members are up for reappointment.

REPORTS OF SPECIAL COMMITTEES

The Coastal Plan Committee

Mr. Radachy said the next Coastal Plan Meeting will be August 27, 2014.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Radachy said there was no old business.

Ms. Pesec asked if Mr. Radachy had sent comments to Concord Township asking if they should consider setbacks for homes to a gas well.

Mr. Radachy said yes. The existing structures cannot have setbacks for new gas wells. But for an existing gas well, the Township can set a distance away from a new structure.

NEW BUSINESS

Certificate of Appreciation for Emma Posilico

Mr. Radachy said the Resolution is for former Intern, Emma Posilico, who is now working for Summit County.

Mr. Siegel moved that we approve the Certificate of Appreciation for Emma Posilico. Ms. Pesec seconded the motion.

All voted "Aye".

Comment Sheets from Lake County Departments

Ms. Pesec asked if there is anything we can do about the time it takes for comment sheets to come in.

Mr. Radachy said there is not a whole lot he can do about it. Each request for comment has a due date on it. He does not want developers contacting the departments while their subdivision is under review. He could send out to the developer and subdivision engineer all the comments he has received by the Friday before the meeting. He could indicate that he will forward other comments as they are received.

Mr. Zondag directed Mr. Radachy to notify departments on the Thursday before the meeting that these are the comments that have been received to date and these will be forwarded to the subdivision's developer and engineer.

Mr. Radachy said that, when the request for comments is sent, the departments are notified of a deadline on which comments should be received at the office.

Mr. Zondag asked about the aftermath of the variance with regard to other departments.

Mr. Radachy said the County Engineer is informed of the Planning Commission's decision on the variance along with Soil and Water Conservation District and Concord Township.

Mr. Horacek said the variance is only to Planning Commission regulations.

Mr. Radachy said when he started doing subdivision reviews in 2000, stipulations were handed out to the developers the night of the meeting. They are now getting them Tuesday morning or Monday afternoon. So they see the comments prior to the meetings. It is a point of pride for the engineers to have the least amount of stipulations so they, in turn, can look good to their clients.

Ms. Pesec asked if he felt he was already notifying them as soon as he could.

Mr. Radachy said yes.

Mr. Adams said, with regard to this variance, all the things the Developer and Engineer wanted to do could have been done already if it had not been for NOACA. Someone else put a hardship on him.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved and Mr. Adams seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:40.